

## **REMARKS**

This application was filed with 84 claims. Claims 4-32, 36-63 and 67-84 were cancelled by preliminary amendment. Claims 1- 3, 33- 35 and 64-66 have been rejected. Claims 1, 33 and 64 have been amended. Claims 85-95 are newly presented herein for consideration, and no new matter has been added. Therefore, Claims 1-3, 33-35, 64-66 and 85-95 are pending in the Application. Reconsideration of the application based on the remaining claims as amended or newly presented and further based on the arguments submitted below is respectfully requested.

### **Amendments to the Specification**

Examiner in the Office Action of October 23, 2009 has requested a new abstract of the disclosure and a corrected specification which includes no new matter. After discussion with the Examiner regarding this objection, Applicant elects to defer resolution of the matter until such time as the Application is determined to be in condition for allowance.

### **Claim Rejections - 35 U.S.C. § 102(b)**

Claims 1-3, 33-35 and 64-66 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Robinton (U.S. Patent No. 4,692,761). Applicant respectfully submits that the claims as currently amended herein traverse the rejection.

Each of amended independent claims 1, 33 and 64 include at least two features which are not believed to be anticipated by, or obvious in light of, the cited references.

First, each control device is programmed upon receiving a message intended for another control device to, after a given delay interval, transmit at least one echo of the message unless a reply to the message was previously received from the control device to which the message was intended.

According to Robinton each message is routed from the remote unit generating it to a master unit along a pre-established route. The route can be changed in response to a disruption or other change in network conditions, but remains pre-established with respect to the order in which a message is transmitted. Thus, in a structure as disclosed by Robinton each message transmitted from a remote unit to the master unit must go through a specified set of nodes in the network, each node generating an echo of the incoming message arriving from an upstream node and further addressed to a downstream node.

The first claimed feature as described above would not be an obvious choice of design in such a structure. It would in fact be entirely redundant, as there is no need to control echo generations where each message is programmed for regeneration along a pre-established path in the network.

The claims of the application relate instead to a network with no pre-established message route through the network. Each message contains information relating to the addressee, but nothing concerning the path along which

the message shall be propagated. The first claimed feature as described above is an added feature with regards to systems having a random and unknown transmission path, and would be considered unnecessary for systems having a pre-established path.

Second, each control device is further programmed when it receives a message intended for another control device to perform an operation to compare the message with pre-established criteria and transmit an echo of the message upon determining that the message corresponds to the criteria. In dependent claims 2, 34 and 65, the operation involves temporarily storing identifying information with regards to the message and failing to generate any subsequent echoes of the message if the message is received while the identifying information remains stored. In newly added dependent claims 85, 92 and 94, the operation involves comparing a value of a counter contained within the message to a predetermined value (i.e., zero) and transmitting an echo if the counter value is greater than the predetermined value.

The second feature so described is used for avoiding unlimited echo generation in a simple transmission system where each message flows through the network without following a pre-established path. As such, it is functionally linked to the other features of the claimed invention and would not be an obvious design choice for a system such as that disclosed by Robinton having a pre-established path. The devices in Robinton, in comparison, simply determine that the message is intended for another device and dutifully transmit an echo of the message along the

path. Additional operations or components within the message are undisclosed and would not be considered by a designer within the scope of such a system.

Independent claims 1, 33 and 64 are respectfully submitted as traversing the rejection in light of the arguments presented herein and are therefore presented as being in condition for allowance. Claims 2, 3 and 85- 91 are dependent back to claim 1 and are believed to be therefore in condition for allowance as well. Claims 34, 35, 92 and 93 are dependent back to claim 33 and are further believed to be therefore in condition for allowance. Claims 65, 66, 94 and 95 are dependent back to claim 64 and also are further believed to be therefore in condition for allowance.

### **Conclusion**

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the Office Action for 1 month from January 23,

2010, to February 23, 2010. Applicant authorizes the Commissioner to charge Deposit Account No. 23-0035 in the amount of \$130.00 for the petition fee.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,

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